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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Moreno Freight LLC, an Arizona limited
liability company,

Plaintiff,

v.

Pennsylvania Manufacturers Association
Insurance Company,

Defendant.

Civil Action No.:

NOTICE OF REMOVAL

(Arizona Superior Court, Maricopa County
Case No.: CV2019-095985)

Pursuant to 28 U.S.C. §§1332(a), 1441(a), 1446 and the applicable Local Rules of the District of Arizona, Pennsylvania Manufacturers Association Insurance Company ("Defendant" or "PMA"), hereby removes the above-captioned civil action from the Superior Court in and for Maricopa County, State of Arizona, to the United States District Court for the District of Arizona. In support thereof, Defendant states as follows:

1. On or about December 16, 2019, Plaintiff Moreno Freight, LLC ("Plaintiff"), filed a Complaint in the Superior Court in and for Maricopa County, State of Arizona, against

1 Defendant. Defendant waived service of the Summons and Complaint on or about January
2 23, 2020. Defendant filed its Answer on February 18, 2020.

3 2. In accordance with the procedure set forth in 28 U.S.C. §1446(a), a copy of the
4 Complaint served upon Defendant in the state court action is attached hereto as **Exhibit A**.
5 Defendant's Answer is being filed in this Court and is submitted hereto as **Exhibit B**.
6

7 3. This Notice of Removal is timely filed in accordance with 28 U.S.C. §§1441(b) and
8 1446.
9

10 4. Plaintiff is a limited liability company who claims to do business in the State of
11 Arizona with its principal place of business in Maricopa County, Arizona. (Complaint, ¶1).

12 5. Defendant is an insurance company domiciled in the State of Pennsylvania.

13 6. Therefore, for purposes of removal jurisdiction, Plaintiff is a citizen of Arizona and
14 Defendant is a citizen of Pennsylvania. Thus, complete diversity of citizenship exists
15 between Plaintiff and Defendant.
16

17 7. Plaintiff's Complaint alleges that Plaintiff sustained losses totaling \$712,905.95
18 **Exhibit A**.
19

20 8. As authorized by 28 U.S.C. §1441, removal is based on the district court's original
21 jurisdiction under 28 U.S.C. §1332, because diversity of citizenship between the parties
22 exist and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00)
23 not including interest and attorneys' fees.
24

25 9. The undersigned has served the notice of the removal of this action on Plaintiff by
26 serving Plaintiff's counsel with this notice of removal and by filing a copy of this notice of
27 removal with the Superior Court in and for Maricopa County, Arizona.
28

1 10. True copies of all process, pleadings and orders which have been served or filed in
2 this case are attached hereto and filed herewith as **Exhibit C**.

3
4 11. As this action asserts a claim between diverse parties for an amount greater than the
5 jurisdictional threshold, the requirements of 28 U.S.C. §1332 have been satisfied and
6 removal to this Court is proper.

7 **WHEREFORE**, Defendant respectfully requests that this case be entered upon the
8 docket of the United States District Court for the District of Arizona, pursuant to 28 U.S.C.
9 §§1441 and 1446.
10

11
12 RESPECTFULLY SUBMITTED this 24th day of February, 2020.

13 **MANNING & KASS**
14 **ELLROD, RAMIREZ, TRESTER LLP**

15
16 By: /s/ Robert B. Zelms
17 Robert B. Zelms, Esq.
18 Bree G. Brydenthal, Esq.
19 *Attorneys for Defendant*

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on this 24th day of February, 2020, I electronically filed the
22 foregoing, using the CM/ECF system, which served the following CM/ECF participant:

23 Joel L. Herz
24 LAW OFFICES OF JOEL L. HERZ
25 3573 East Sunrise Drive, Suite 215
26 Tucson, AZ 85718
27 joel@joelherz.com
28 *Attorneys for Plaintiff*

/s/ Lupe Alabado